

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

AUSTIN WILKINSON
on behalf of himself and all others
similarly situated,

Plaintiffs,

VS.

HIGH PLAINS, INC. AND
MISSOURI BASIN WELL SERVICE, INC.
d/b/a MBI ENERGY SERVICES

Defendants.

[illegible]

CIVIL ACTION NO: 1:16-cv-011

**PLAINTIFF'S AGREED MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR ALTERNATIVELY,
MOTION TO DECERTIFY CLASS AND RELIEF FROM PAGE LIMITATION IN
PLAINTIFF'S RESPONSE**

Plaintiff respectfully requests that the Court grant Plaintiff relief from Local Rule 7.1 and extend the deadline to respond to Plaintiff's Motion for Summary Judgment or, Alternatively, Motion to Decertify Class (Dkt. 47, 61) to May 12, 2017. Plaintiff has conferred with Defendants' counsel and Defendants have agreed to such an extension. Plaintiff has agreed to extend the same deadline extension for Defendants' Response to Plaintiff's Motion for Partial Summary Judgment and Memorandum in Support. (Dkt. 59, 60).

Plaintiff intends to depose Troy Olhausen and use such testimony in Plaintiff's Response. Defendants are currently finding out Troy Olhausen's availability on the date of April 20, 2017 for his deposition. The identity of Troy Olhausen had not been disclosed to Plaintiff prior to his declaration filed with Defendants' Motion for Summary Judgment or Alternatively Motion to Decertify Class, and Plaintiff must depose him in order to fully and fairly respond.

Additionally, Plaintiff requests that the page limit for responses to dispositive motions be extended to 20 pages rather than 10 pages. Plaintiff believes the Technical Corrections Act and its application to the Motor Carrier Act exemption is an area of the law of some complexity and novelty and necessitates additional briefing. Defendant is not opposed to such relief and Plaintiff does not oppose such an extension for Defendant's response should the Court grant such relief to Plaintiff.

Respectfully Submitted:

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Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

I hereby certify that on the 13th day of April, 2017, I spoke with Robert B. Stock, counsel for Defendants, and we agreed to the three week extension for Plaintiff to respond to Defendant's Motion for Summary Judgment or Alternatively Motion to Decertify Class, and Defendants had no objection to an extension of the page limitation for Plaintiff's Response. Plaintiff's counsel would also extend the same courtesy to Defendants, and has no opposition to the Court extending Defendants' deadline to file Defendants' Response to Plaintiff's Motion for Partial Summary Judgment and granting Defendants the same leave to file a Response exceeding the page limitations of the Local Rules.

By: /s/ Collin J. Wynne
Collin J. Wynne

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2017, the foregoing document was transmitted to counsel via the following manner:

VIA FIRST CLASS MAIL and EMAIL: rstock@vogellaw.com

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By: /s/ Jeremi K. Young
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